

## SEVENTY-NINTH DAY

(Wednesday, June 18, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Graves	Spears
Hill	

A quorum was announced present.

Rev. K. R. Isbell, Pastor of the First Methodist Church of Mineola, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## Leaves of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Vick.

Senator Hill was granted leave of absence for today on account of important business, on motion of Senator Sulak.

Senator Graves was granted leave of absence for today on account of important business, on motion of Senator Mauritz.

## Report of Standing Committee

Senator Aikin submitted the following report:

Austin, Texas,  
June 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 848, A bill to be entitled "An Act making appropriations to pay

deficiency appropriations granted by the Governor prior to January 1, 1941, and for which no appropriations have heretofore been made; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

## Senate Resolution 170

Senator Hazlewood offered the following resolution:

Whereas, Mr. and Mrs. H. G. Hamrick, prominent citizens of the City of Amarillo, Texas, are present in Austin, and are now in the Capitol on this 18th day of June, 1941, observing the operations of government; now, therefore, be it

Resolved by the Senate of Texas, That there be extended to these visitors a cordial welcome to this Capitol and that the privileges of the floor be extended to them.

The resolution was read, and by unanimous consent, it was considered and adopted at this time.

## Signing of Resolutions

The President signed in the presence of the Senate, after their captions had been read, the following enrolled resolutions:

S. J. R. No. 21, Proposing an amendment to the Constitution of the State of Texas authorizing the Legislature to appropriate Seventy-five Thousand (\$75,000.00) Dollars or so much thereof as may be necessary to pay claims incurred by John Tarleton Agricultural College for the construction of a building on the campus of such college pursuant to deficiency authorization by the Governor of Texas on August 31st, 1937.

S. C. R. No. 47, Authorizing lease of certain State land to City of Austin.

S. C. R. No. 79, Relating to Federal cooperation in cotton research.

S. C. R. No. 80, Recalling S. B. No. 429 from the Governor.

### Message From the House

The Chief Clerk of the House presented the following message:

Hall of the House of Representatives,  
June 18, 1941.  
Austin, Texas,

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. C. R. No. 246, Granting the House permission to consider H. B. No. 363 on Senate Bill Days, June 18 and 19.

H. C. R. No. 248, Permitting the House to consider H. B. No. 656 and H. B. No. 661 on Senate Bill Days, June 18 and 19.

H. C. R. No. 249, Recalling H. B. No. 161 from the Governor's Office at once for further consideration and correction.

H. B. No. 1067, A bill to be entitled "An Act amending Section 1 of H. B. No. 186, Regular Session of the Forty-seventh Legislature, fixing an open season for mourning doves and white-winged doves; specifically exempting certain counties from the provisions of this Act; and declaring an emergency."

H. B. No. 1091, A bill to be entitled "An Act to amend Article 6377 of the Revised Civil Statutes of Texas, 1925, which regulates the equipment in passenger trains; this amendment providing that the provisions of Article 6377 of the Revised Civil Statutes of Texas, 1925, shall not be applicable where railroad trains are carrying only personnel and equipment in connection with military or naval movements; repealing all laws in conflict; and declaring an emergency."

The House has adopted the Conference Committee report on S. B. No. 423 by a vote of 85 ayes, 48 noes.

The House has adopted the Conference Committee report on H. B. No. 199, by a vote of 131 ayes, 4 noes.

The House has adopted the Conference Committee report on S. B. No. 402 by a vote of 101 ayes, 30 noes.

Upon reconsideration the House has again refused to concur in Senate amendments to H. B. No. 1082 and has requested the appointment of a Conference Committee to consider the differences between the two Houses,

and appoints: Hardeman, Bean, Eubanks, Isaacks, and Celaya.

The House refused to concur in Senate amendments to H. B. No. 703 and has requested the appointment of a Conference Committee to consider the differences between the two Houses, and appoints: Rhodes, Bean, Isaacks, Lowry and Kinard.

The House refused to concur in Senate amendments to H. B. No. 796 and has requested the appointment of a Conference Committee to consider the difference between the two Houses and appoints: Bell, Taylor, Coker, Bruhl and Harris of Dallas.

The House refused to concur in Senate amendments to H. B. No. 831, and has requested the appointment of a Conference Committee to consider the differences between the two Houses and appoints: Boone, Simpson, McAlister, Love and Goodman.

The House has reconsidered the vote by which the Conference Committee report of H. B. No. 29 was adopted and has requested the bill be sent back to the same Conference Committee for further consideration.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk House of Representatives.

### House Concurrent Resolution 249

On motion of Senator Moffett and by unanimous consent, the regular order of business was suspended to permit consideration of H. C. R. No. 249 at this time.

The President laid before the Senate:

H. C. R. No. 249, Recalling H. B. No. 161 from the Governor.

The resolution was read and was adopted.

### Senate Bill 268 on Passage to Engrossment

Senator Brownlee moved that the regular order of business be suspended to permit further consideration of S. B. No. 268 at this time.

The motion prevailed by the following vote:

Yeas—21

Brownlee	Isbell
Chadick	Kelley
Cotten	Lanning
Fain	Lemens
Formby	Lovelady
Hazlewood	Martin

Moore	Sulak
Ramsey	Vick
Shivers	Weinert
Smith	Winfield
Stone	

Nays—5

Aikin	Metcalf
Beck	Moffett
Mauritz	

Absent

Van Zandt	York
-----------	------

Absent—Excused

Graves	Spears
Hill	

The President laid before the Senate, on its passage to engrossment (the bill having been read second time on May 27, 1941):

S. B. No. 268, A bill to be entitled "An Act authorizing the State Board of Control, to construct, furnish, equip, operate and maintain a building and to purchase a site therefor, to be leased to the State of Texas and its various agencies, departments and bureaus, now existing or hereafter created, whether partly or wholly supported by the State of Texas, for office purposes, and any part of said building not presently needed for use by the State to be leased to other tenants, authorizing the State Board of Control to issue bonds payable solely from the rentals to be derived from said leases for the purpose of paying the cost of such construction, furnishing and equipment and site, authorizing the State Board of Control to enter into covenants and agreements in that connection, providing remedies in the event of a default in the payment of said bonds, providing that such bonds shall be legal investments for specified institutions and funds in the State of Texas and shall be eligible to secure the deposit of public funds in the State of Texas, exempting such bonds from taxation; and declaring an emergency."

With a substitute amendment by Senator Isbell pending.

Senator Isbell was permitted to withdraw the substitute amendment.

Senator Brownlee offered the following amendment to the bill:

Amend S. B. No. 268 by striking out all below the enacting clause and substitute therefor the following:

"Be It Enacted by the Legislature of the State of Texas:

Section 1. There is hereby appropriated the sum of One Hundred Forty Thousand (\$140,000.00) Dollars, or so much thereof as may be necessary, out of any monies in the State Treasury not otherwise appropriated, for the purpose of paying for the preparation of plans and specifications for an office building to be used by the State of Texas and its various agencies, departments and bureaus, and also for the purpose of purchasing a site in the City of Austin, Texas, upon which to erect said building. Not more than Fifty Thousand (\$50,000.00) Dollars of the money hereby appropriated shall be spent by the State Board of Control for the purpose of paying for the preparation of plans and specifications for said building by engineers or architects, or by engineers and architects, and said plans and specifications shall be approved and paid for by the State Board of Control out of this appropriation.

Sec. 2. Should any land be purchased for a site for said building, the State Board of Control shall select land which shall adjoin the present Capitol Ground, that is, not farther away from said Capitol Grounds than across one street or alley, and said Board of Control shall take into consideration the condition of the improvements upon said land, if any, with the view of utilizing the building or buildings upon same at the time of said purchase for office space, which could be used by the State prior to the construction of an office building upon the same, and if possible with the money available, not less than one-half block of land shall be purchased.

Sec. 3. Should such land be purchased, the title to same shall be examined and found to be good and merchantable in the opinion of the Attorney General before the same shall be purchased by the State Board of Control. The Attorney General shall furnish the State Board of Control, the Governor, the Lieutenant-Governor, and the Speaker of the House with a copy of his opinion and said Attorney General shall prepare all releases, deeds and other documents necessary to place a fee simple title in said property in the State of Texas.

Sec. 4. A copy of the plans and specifications for said building as pro-

vided for herein, in printed form, shall be mailed by the Board of Control to each member or member-elect of the Legislature as soon as convenient after the same are prepared.

Sec. 5. That if any clause, sentence, paragraph or part of this Act shall be for any reason adjudged by any court of competent jurisdiction to be invalid or ineffective, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment has been rendered.

Sec. 6. The fact that the State of Texas is in dire need of additional office space for the accommodation of officers and employees of the various agencies, departments and bureaus of the State, and that such facilities may be economically provided by construction of a State office building, and the fact that a resolution for a constitutional amendment submitting the proposition of the construction of a State office building to the people has been passed by this Legislature, and the fact that the City of Austin is growing in population at a very fast rate and that property in said city is becoming more valuable, and it is desirable that the plans for the construction of said building should be ready and the site of the building decided upon and acquired at an early date in order to avoid delay, create an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days in each House be suspended, and said rule is hereby suspended and this Act shall take effect and be in force from and after the date of its passage, and it is so enacted."

Senator Moore offered the following amendment to the amendment:

Amend Brownlee amendment to S. B. No. 268 by adding thereto a new Section to be known as Section 2a, and reading as follows:

"Section 2a. There is hereby created a Joint Legislative Committee, two to be appointed by the Lieutenant Governor from members of the Senate, two to be appointed by the Speaker of the House from the membership of the House, and a fifth member to be agreed upon and appointed by the Lieutenant Governor and Speaker of the House, jointly,

from either the House or the Senate. The appropriation made herein for the purchase of land is contingent upon the approval of the site and the price by a majority of the members of such Joint Legislative Committee; and such appropriation for the purchase of land shall be null and void without the approval of such committee; provided further that if for any reason this Section should be invalid, it is hereby declared that such appropriation for the purchase of land is null and void and of no force and effect, and the Legislature declares that it would not and does not appropriate such sum. It is provided further that should for any reason this Section or any part thereof be invalid, the power of the Board of Control to purchase land as provided in this Act or to enter into any contract or agreement in connection with the purchase of land is null and void.

Provided no plans or specifications shall be contracted for unless and until a site has been selected and purchased."

The amendment to the amendment was adopted.

Senator Metcalfe offered the following amendment to the amendment:

Amend substitute S. B. No. 268 by Section 1, by striking out of said substitute the following words:

"and also for the purpose of purchasing a site in the City of Austin, Texas, upon which to erect said building."

The amendment to the amendment was adopted by the following vote:

#### Yeas—14

Aikin	Martin
Chadick	Mauritz
Cotten	Metcalfe
Formby	Moffett
Isbell	Van Zandt
Lemens	Vick
Lovelady	Winfield

#### Nays—10

Beck	Ramsey
Brownlee	Shivers
Fain	Smith
Lanning	Sulak
Moore	Weinert

#### Absent

Hazlewood	Stone
Kelley	York

#### Absent—Excused

Graves	Spears
Hill	

Senator Van Zandt moved to reconsider the vote by which the amendment to the amendment was adopted.

Question—Shall the motion to reconsider prevail?

#### House Bill on First Reading

The following bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 1091, to Committee on Military Affairs.

#### Executive Session

At 11:00 o'clock a. m., Senator Martin moved that the Senate go into executive session to consider nominations submitted by the Governor.

The motion prevailed.

Accordingly, the President ordered the floor cleared of all those not entitled to attend the executive session and instructed the Sergeant-at-Arms to keep closed all doors leading from the Senate chamber.

#### After Executive Session

At the conclusion of the executive session the Secretary of the Senate informed the Journal Clerk that the following reports of the Committee on Nominations of the Governor had been adopted by the Senate:

Committee Room,  
Austin, Texas,  
June 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nomination:

To be a member of the Liquor Control Board for the unexpired term ending November 15, 1945:

W. J. Townsend, of Lufkin, Angelina County.

Have had the same under consideration, and do recommend that he be in all things confirmed.

MARTIN, Chairman.

Committee Room,  
Austin, Texas,  
June 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom

was referred the following nomination:

To be member of the State Board of Embalming for the six year term expiring May 31, 1947:

Glenn Massie, of McKinney, Collin County.

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

Committee Room,  
Austin, Texas,  
June 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nominations:

To be members of the Board of Directors of the Agricultural and Mechanical College of Texas:

For six year terms expiring January 10, 1947:

John C. Burns, of Fort Worth, Tarrant County.

General H. J. Brees, of San Antonio, Bexar County.

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

Committee Room,  
Austin, Texas,  
June 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be members of the Board of Medical Examiners for six year terms expiring April 13, 1947:

Dr. H. F. Connally, of Waco, McLennan County (reappointment).

Dr. M. H. Crabb, of Fort Worth, Tarrant County (to succeed Dr. W. C. Morrow).

Dr. N. D. Buie, of Marlin, Falls County (to succeed Dr. M. M. Brown).

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

Committee Room,  
Austin, Texas,  
June 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nomination:

To be a member of the Board of Medical Examiners, term to expire April 13, 1943:

Dr. W. C. Morrow, of Greenville, Hunt County.

Have had the same under consideration, and do recommend that he be in all things confirmed.

MARTIN, Chairman.

Committee Room,  
Austin, Texas,  
June 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nomination:

To be a member of the Texas Prison Board for a six year term expiring February 2, 1947:

Gaylord J. Stone, of Fort Worth, Tarrant County.

Have had the same under consideration, and do recommend that he be in all things confirmed.

MARTIN, Chairman.

Committee Room,  
Austin, Texas,  
June 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nomination:

To be a member of the Game, Fish and Oyster Commission, term to expire September 1, 1945:

T. S. Reed, of Beaumont, Jefferson County.

Have had the same under consideration, and do recommend that he be in all things confirmed.

MARTIN, Chairman.

Committee Room,  
Austin, Texas,  
June 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be members of the Texas State Parks Board, terms to expire May 15, 1947 (six year terms):

Raymond Dillard of Mexia, Limestone County.

T. C. Ashford of Maud, Bowie County.

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

Committee Room,  
Austin, Texas,  
July 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nomination:

To be Branch Pilot for the Sabine Bar, Pass and Tributaries, for a two year term expiring June 13, 1943:

Captain Carl M. Bancroft, of Beaumont, Jefferson County.

Have had the same under consideration, and do recommend that he be in all things confirmed.

MARTIN, Chairman.

Committee Room,  
Austin, Texas,  
June 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be members of the Board of Directors of the San Antonio River Canal and Conservancy District for six year terms expiring May 5, 1947:

P. D. Mathis, San Antonio, Bexar County.

M. L. Roark, San Antonio, Bexar County.

Alf Shroeter, Runge, Karnes County.

(All reappointments.)

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

Committee Room,  
Austin, Texas,  
June 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be members of the Board of Mansion Supervisors for six year terms expiring February 21, 1947:

Miss Ima Hogg, Houston, Harris County.

Mrs. Jesse Martin, Fort Worth, Tarrant County.

Mrs. Harry Knox, Austin, Travis County.

Have had the same under consideration, and do recommend that they be in all things confirmed.

YORK, Vice-Chairman.

The President called the Senate to order as in legislative session at 12:25 o'clock p. m.

#### Conference Committee on House Bill 796

Senator Moffett called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 796.

Senator Moffett moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Moffett, Martin, Chadick, Smith and Beck.

#### House Bill 1085 on Second Reading

On motion of Senator Ramsey and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 1085 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1085, A bill to be entitled "An Act creating a Consolidated Road District No. 3 of Tyler County, Texas, under authority of Article 3, Section 52 of the Constitution of Texas, for the purpose of fully and fairly compensating original road districts Nos. 3 and 4 of said county in

amounts equal to the respective amounts of road bonds outstanding against such included road districts respectively, and for the purpose of the purchase and construction of district roads therein, and for the purpose of the further construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes, or in aid thereof when authorized by a two-thirds majority vote of the qualified property tax-paying voters of said district, voting at an election for that purpose; making said road district a body corporate and taxing district under authority of Article 3, Section 52 of the Constitution of Texas, and providing that said consolidated road district shall have authority and be vested by the General Laws of Texas for such districts; describing the territory comprising such district, and reciting that it contains all of original road districts Nos. 3 and 4 of said county, and overlaps a portion of original road district No. 2 of said county, and providing that it shall not interfere in any manner with said road district No. 2 in levying, assessing and collecting ad valorem taxes in payment of bonds of said road district No. 2; providing it shall have authority to issue bonds and levy ad valorem taxes in payment thereof as provided by the General Laws enacted under the provisions of Article 3, Section 52 of the Constitution of Texas; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 1085 on Third Reading

Senator Ramsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1085 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lemens
Beck	Lovelady
Brownlee	Martin
Chadick	Mauritz
Cotten	Metcalfe
Fain	Moffett
Formby	Moore
Hazlewood	Ramsey
Isbell	Shivers
Kelley	Smith
Lanning	Stone

Sulak	Weinert
Van Zandt	Winfield
Vick	York

Absent—Excused

Graves	Spears
Hill	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Graves	Spears
Hill	

#### House Bill 188 on Second Reading

On motion of Senator Metcalfe and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 188 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 188, A bill to be entitled "An Act amending Article 198 of the Revised Civil Statutes of the State of Texas, as amended by Acts of the Forty-sixth Legislature, 1939, page 148, Section I, relating to, and designating the Supreme Judicial Districts of the State of Texas, by transferring Brown County from the Third Supreme Judicial District to the Eleventh Supreme Judicial District; providing that this Act shall not affect the jurisdiction of the Court of Civil Appeals for the Third Supreme Judicial District in cases appealed from Brown County in which the transcript shall have been filed in said court prior to the date this Act takes effect; that in all cases from Brown County in which appeal or writ of error has been

perfected, but the transcript not filed in the Court of Civil Appeals for the Third Supreme Judicial District prior to the effective date of this Act, the record of such case or cases shall be filed in the Court of Civil Appeals for the Eleventh Supreme Judicial District of Texas, which shall have jurisdiction; provided further, that in any case from a trial court in Brown County, in which appeal or writ of error may be perfected after the passage of this Act, but before its effective date, if the transcript be filed in the Court of Civil Appeals for either the Third or the Eleventh Supreme Judicial District of Texas within the time otherwise provided by law, such appeal shall not be dismissed for failure to file the transcript in the proper court, but if filed in the wrong court, the clerk thereof shall transmit the record, together with a transcript of any orders made in the case, to the proper court having jurisdiction; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 188 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 188 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Graves	Spears
Hill	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.



**House Bill 1084 on Second Reading**

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 1084 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1084, A bill to be entitled "An Act to amend Chapter 63, Acts of 1983, Forty-third Legislature, First Called Session, page 169, as amended by Chapter 17, Acts of 1934, Forty-third Legislature, Fourth Called Session, page 47, so as to change Section 3 of said Chapter 63 so that the same may hereafter provide, in addition to its other provisions, that the Board of Directors of the Lower Neches Valley Authority shall consist of nine instead of seven members, all of whom shall be freehold property tax payers and legal voters of the State of Texas, and providing that such nine directors shall be appointed by the State Board of Water Engineers, three members thereof to be appointed for a term of two years, three members thereof to be appointed for a term of four years and three members thereof to be appointed for a term of six years; and to change Section 4 of said Chapter 63 so that the same may hereafter provide, in addition to its other provisions, that the Board of Directors shall organize by electing one of their members president, one vice-president, one treasurer and one secretary, and providing that five directors shall constitute a quorum at any meeting, and a concurrence of majority of those present shall be sufficient in all matters pertaining to the business of the district except the letting of construction contracts and the authorization of issuance of warrants paying therefor, which shall require the concurrence of seven directors; and to change Section 16 of said Chapter 63 so that in addition to its other provisions, it will hereafter provide that for any corporate purpose said district may borrow money from the Federal Emergency Administration of Public Works of the United States or from any other department or agency of the United States, or from any other source, and in evidence thereof may issue the notes, warrants, certificates of indebtedness, bonds or other forms of obligations of such district; and to change Sec-

tion 23 of said Chapter 63 so that the same shall hereafter provide, in addition to its other provisions, that the Board of Directors may in its discretion have executed in favor of the holders of the district's obligations an indenture mortgaging and encumbering the improvements, facilities and properties acquired with the proceeds of the sale of such obligations, and/or all of the improvements, facilities and properties of the district, and that such indenture may likewise mortgage and encumber the revenues to be derived from the operation of such improvements, facilities and properties; and declaring an emergency."

The bill was read second time.

Senator Shivers offered the following (committee) amendment to the bill:

Amend H. B. No. 1084 by adding after the words "State Board of Water Engineers" in line 6, Section 3 of Section 1, the following: "with the advice and consent of two-thirds of the Senate of Texas."

Amend the caption to conform.

The (committee) amendment was adopted.

The bill was passed to third reading.

**House Bill 1084 on Third Reading**

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1084 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Graves	Spears
Hill	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Fain	Ramsey
Formby	Shivers
Hazlewood	Smith
Isbell	Stone
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

## Nays—3

Chadick	Vick
Cotten	

## Absent—Excused

Graves	Spears
Hill	

## Recess

On motion of Senator Aikin, the Senate, at 12:35 o'clock p. m., recessed to 2:30 o'clock p. m. today.

## Afternoon Session

The Senate met at 2:30 o'clock p. m. and was called to order by the President.

## Report of Standing Committee

Senator Metcalfe, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
June 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred

H. B. No. 1091, A bill to be entitled "An Act to amend Article 6377 of the Revised Civil Statutes of Texas, 1925, which regulates the equipment in passenger trains; this amendment providing that the provisions of Article 6377 of the Revised Civil Statutes of Texas, 1925, shall not be applicable where railroad trains are carrying only personnel and equipment in connection with military or naval movements; repealing all laws in conflict; and declaring an emergency."

Have had the same under consider-

ation, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

METCALFE, Chairman.

## Leave of Absence Granted

Senator Metcalfe was granted leave of absence for the remainder of today on account of illness, on motion of Senator Isbell.

## Senate Resolution 171

Senator Lovelady, by unanimous consent, offered the following resolution at this time:

Whereas, Senator Thomas of Belton, Bell County, Texas, is in the Senate gallery; and

Whereas, Senator Thomas was once a distinguished member of this body and served with honor to himself and his district; therefore, be it

Resolved by the Senate of Texas, That Senator Thomas be given the privileges of the floor for the day.

The resolution was read, and on motion of Senator Lovelady and by unanimous consent, it was considered immediately.

The resolution was adopted.

## Bill Signed

The President signed in the presence of the Senate, after its caption had been read, the following enrolled bill:

H. B. No. 1086, A bill to be entitled "An Act declaring the recent flood in the City of Albany and elsewhere in Shackelford County to be a public calamity; donating and granting to the City of Albany, Texas, for a period of ten (10) years one-half of the State ad valorem taxes collected in Shackelford County for general revenue purposes; declaring the moneys so granted to be trust funds to aid said city in paying interest on and principal of and providing sinking fund for bonds or warrants hereafter issued by said city; specifying that the proceeds of such bonds or warrants be used exclusively in the construction of flood control works and improvements in conservation and utilization of water, in replacement of destroyed city lake, in repair and rebuilding of city water works system; prohibiting diversion of such moneys; specifying the reports to be made by the assessor and collector of collections of

State ad valorem taxes for general revenue purposes and disposal thereof and providing for the payment over by him of the moneys collected; repealing S. B. No. 502, Regular Session, Forty-seventh Legislature; providing that if any provision of this Act shall be held invalid or unconstitutional the other provisions shall not be affected; and declaring an emergency."

#### Reports of Standing Committees

Senator Shivers, by unanimous consent, submitted at this time the following report:

Committee Room,  
Austin, Texas,  
June 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation to whom was referred

H. B. No. 1047, A bill to be entitled "An Act suspending the running of the primary term of any oil, gas, or mineral lease heretofore or hereafter issued by the Commissioner of the General Land Office which lease has been, is, or which may hereafter become involved in litigation relating to the validity of such lease or to the authority of the Commissioner of the General Land Office to lease the land covered thereby and setting at rest all obligations imposed by such leases during the period of such litigation; providing for the commencement of the running of the primary term of such leases for the remainder of the period specified therein after the rendition of final judgment in any such litigation; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Senator Kelley, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
June 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 1040, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school pur-

poses in all independent school districts in which the State of Texas or its agencies own ten (10%) per cent or more in area of the land within the limits or boundaries of said independent school districts; etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

#### House Bill 739 on Second Reading

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 739 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 739, A bill to be entitled "An Act authorizing and directing the Attorney General of Texas to make such investigation and to institute and prosecute such legal proceedings or suits, or take such other action as he deems proper to protect the interest of the State of Texas in and to the waters of the Pecos River; providing for the appointment of a member of the State Board of Water Engineers as Compact Commissioner, upon request of the Attorney General, to negotiate an agreement with representatives of the State of New Mexico and the United States of America concerning the storage, division and use of the waters of the Pecos River in New Mexico and Texas; providing that member of the State Board of Water Engineers appointed Compact Commissioner shall serve without additional salary; prescribing the authority and duties of such Compact Commissioner; prescribing the method of reaching such agreement and having the same agreed to and ratified by the State Legislature and approved by the Governor, and by the State of New Mexico and the Congress of the United States of America; making an appropriation to carry out the purposes of this Act; providing the Act shall not repeal Chapter 188, Acts of the Regular Session of the Forty-second Legislature, but is cumulative thereof; and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 739 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 739 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Martin
Beck	Mauritz
Brownlee	Moffett
Chadick	Moore
Cotten	Shivers
Fain	Smith
Formby	Stone
Hazlewood	Sulak
Kelley	Van Zandt
Lanning	Winfield
Lovelady	York

Nays—1

Vick

Absent

Isbell	Ramsey
Lemens	Weinert

Absent—Excused

Graves	Metcalf
Hill	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Aikin	Mauritz
Beck	Moffett
Brownlee	Ramsey
Fain	Shivers
Formby	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Winfield
Lovelady	York
Martin	

Nays—4

Chadick	Moore
Cotten	Vick

Absent

Lemens	Weinert
--------	---------

Absent—Excused

Graves	Metcalf
Hill	Spears

## House Bill 845 on Second Reading

On motion of Senator Mauritz and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 845 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 845, A bill to be entitled "An Act to amend Article 2465, Revised Civil Statutes of 1925, as amended by Acts of the Forty-first Legislature, Regular Session, 1929, Chapter 17, page 46, Section 1, as amended by Acts of the Forty-first Legislature, Second Called Session, page 168, Chapter 85, Section 1, providing for books and records to be kept by credit unions, for supervision and examination of credit unions by some competent person or persons designated by the State Banking Commissioner, by one or more credit union examiners appointed by the Banking Commissioner, or by certain employees of the Banking Department; and providing for salaries and expense accounts for such person or persons; fixing maximum fees to be charged for such services and a method for handling such moneys collected from the credit unions; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend the bill by inserting at the proper place: "after September 1, 1943 the number of the employees and the salaries of each shall be as fixed in the biennial departmental appropriation bill."

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend H. B. No. 845 by striking out of Section 1, on second page of said bill, following the word "Commission" the following: "who shall receive and retain ninety (90%) per cent of the fees as hereinafter provided," and insert in lieu thereof the following: "who shall be paid by the Banking Commissioner an amount not to exceed ninety (90%) per cent of the fees as herein provided, which said fees shall be paid to said Banking Commissioner by the respective unions examined as provided by this Act."

The amendment was adopted.

Senator Mauritz offered the following amendment to the bill:

Amend the caption to conform to the body of the bill.

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 845 on Third Reading

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 845 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Moffett
Brownlee	Moore
Chadick	Ramsey
Cotten	Shivers
Fain	Smith
Formby	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Winfield
Lovelady	York
Martin	

Absent

Lemens	Weinert
--------	---------

Absent—Excused

Graves	Metcalfe
Hill	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Senate Resolution 172

Senator Sulak, by unanimous consent, offered the following resolution:

Whereas, There was a Texas Legislative Conference held in the Driskill hotel, in Austin, Texas, on March 29 and 30, 1941; and

Whereas, The call for said Texas Legislative Conference was signed, and its deliberations participated in by persons who are in sympathy with, and defenders of the Communist party of the United States; and

Whereas, The Communist party stands for the overthrow of our constitutional form of government by revolutionary methods; and

Whereas, The said Austin Legislative Conference effected permanent organization along lines reputed to be similar to the Pacific Coast radical organization headed by the notorious communist, Harry Bridges; therefore, be it

Resolved, That the Secretary of State be hereby requested to refuse said organization a charter, if and when application therefor is made.

SULAK,  
SMITH.

The resolution was read, and on motion of Senator Sulak and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### Conference Committee on House Bill 703

Senator Shivers called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 703.

Senator Shivers moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Winfield, Shivers, Moore, Weinert and Ramsey.

#### Motion to Introduce Bill

Senator Hazlewood moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—18

Brownlee	Martin
Chadick	Mauritz
Fain	Moffett
Formby	Smith
Hazlewood	Stone
Kelley	Sulak
Lanning	Van Zandt
Lemens	Winfield
Lovelady	York

Nays—8

Aikin	Moore
Beck	Ramsey
Cotten	Shivers
Isbell	Vick

Absent

Weinert

Absent—Excused

Graves  
HillMetcalf  
Spears**House Bill 626 Re-referred**

On motion of Senator Mauritz, H. B. No. 626 was re-referred from the Committee on Civil Jurisprudence to the Committee on Banks and Banking.

**House Bill 678 on Second Reading**

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 678 at this time.

The President laid before the Senate on its second reading and passage to third reading.

H. B. No. 678, A bill to be entitled "An Act requiring the Comptroller of Public Accounts to collect all State Occupation Taxes; repealing all laws in conflict therewith."

The bill was read second time and was passed to third reading.

**House Bill 678 on Third Reading**

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 678 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Beck	Mauritz
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent

Weinert

Absent—Excused

Graves  
HillMetcalf  
Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Report of Conference Committee on Senate Bill 402**

Senator Aikin submitted the following report of the Conference Committee on S. B. No. 402:

Austin, Texas,  
June 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on S. B. No. 402, have

Had the same under consideration and beg to report back with the recommendation that the Conference report on S. B. No. 402 as heretofore printed be adopted with the following changes.

Respectfully submitted,

AIKIN,  
LEMENS,  
METCALFE,  
FAIN,  
LOVELADY,

On the part of the Senate;  
REED of Dallas,  
ROBERTS,  
LOCK,  
WALTERS,

On the part of the House.

(1)

Amend the portion of the bill relating to a legislative committee to read as follows:

"Joint Legislative Committee. There is hereby created a Joint Legislative Committee composed of three (3) Members of the Senate to be appointed by the Lieutenant Governor and three (3) Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. The purpose of such Joint Legislative Committee shall be advisory and fact finding appertaining to the expenditure of the funds herein appropriated for the construction of public buildings, and to the future needs of the State Eleemosynary Institutions for additional buildings. Copies of all bids received by the Board of Control for the construction of buildings for the State Eleemosy-

nary Institutions, and of all orders entered by the Board of Control with reference to such bids, and of all contracts for the construction of buildings, shall be made available to the Joint Legislative Committee herein provided for. The Board of Control shall deliver to the Committee copies of bids immediately after having been received by the Board, and shall deliver to the Committee copies of orders entered by the Board with reference to such bids immediately after such action is taken, and shall deliver to the Committee copies of contracts for the construction of buildings immediately after same have been let. The Board of Control shall, in addition to the above information, make available to the Committee any and all facts in its possession relating to the expenditure of the moneys herein appropriated for the construction of buildings. The Committee shall also investigate the State Eleemosynary Institutions for the purpose of finding the facts with reference to the sufficiency or insufficiency of their physical plants, equipment and buildings. The heads of such institutions are directed to make available to the Committee any and all facts requested by the committee pertaining to the operation of the institutions. The Committee shall compile a full and complete report of all facts and information found and coming into its possession pursuant to the duties imposed upon it, and shall submit such report to the Regular Session of the Forty-eighth Legislature, together with its recom-

mendations pertaining to the future expenditure of moneys for the construction of buildings for the State Eleemosynary Institutions, and shall recommend to the Forty-eighth Legislature any new building deemed by it necessary for the operation and maintenance of the State Eleemosynary Institutions.

The Members of the Joint Legislative Committee shall be reimbursed for their actual and necessary expenses in performance of their duties as herein set out from the contingent expense fund of the House and Senate. Said money shall be paid to the members of said committee on the approval of the Lieutenant-Governor and the chairman of the Contingent Expense Committee of the Senate on the part of those Members from the Senate and by the Speaker of the House and the chairman of the Contingent Expense Fund of the House on the part of those Members from the House on said Joint Legislative Committee. No expense shall be allowed in any event unless approved as provided above. The total expense of said committee, including employees, shall not exceed Six Thousand (\$6,000.00) Dollars, and the Comptroller is hereby directed to set aside this sum for this purpose out of the Contingent Expense Account of the Forty-seventh Legislature, on the effective date of this Act."

(2)

Amend the portion of the bill relating to the John Sealy College of Nursing to read as follows:

#### JOHN SEALY COLLEGE OF NURSING

	For the Years Ending	
	August 31, 1942	August 31, 1943
1. Professor, Assistant to the Dean.....	\$ 4,000.00	\$ 4,000.00
2. Associate Professor, Superintendent of Nurses .....	3,000.00	3,000.00
3. Assistant Professor .....	2,400.00	2,400.00
4. Social Director .....	1,500.00	1,500.00
5. Assistant Social Director.....	1,200.00	1,200.00
6. Stenographer .....	1,350.00	1,350.00
7. Typist .....	900.00	900.00
8. Instructors and Assistant Instructors, none to exceed \$2,500.00 per year.....	10,650.00	10,650.00
<b>TOTAL—John Sealy College of Nursing \$</b>	<b>25,000.00</b>	<b>\$ 25,000.00</b>

The Board of Regents of the University of Texas is hereby authorized to supplement the salary of the Dean of the Medical Branch out of local funds of the College of Nursing an amount not to exceed \$2,000.00 per year.

On motion of Senator Aikin, the report was adopted.

#### House Bill 848 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 848 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 848, A bill to be entitled "An Act making appropriations to pay deficiency appropriations granted by the Governor prior to January 14, 1941, and for which no appropriations have heretofore been made; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 848 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 848 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Beck	Mauritz
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent

Weinert

Absent—Excused

Graves	Metcalf
Hill	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Moffett
Brownlee	Moore
Chadick	Ramsey
Fain	Shivers
Formby	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York
Martin	

Nays—1

Cotten

Absent

Weinert

Absent—Excused

Graves	Metcalf
Hill	Spears

#### House Bill 570 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 570 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 570, A bill to be entitled "An Act appropriating for the fiscal year 1940-41 all moneys accruing to the Highway Light Test Fund in accordance with existing law; and appropriating the sum of Four Hundred (\$400.00) Dollars from the State Highway Fund for the year 1940-41 to the credit of the Highway Light Test Fund to be used for the purposes described by and in accordance with existing law; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 570 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 570 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Brownlee
Beck	Chadick



Cotten	Moffett
Fain	Moore
Formby	Ramsey
Hazlewood	Shivers
Isbell	Smith
Kelley	Stone
Lanning	Sulak
Lemens	Van Zandt
Lovelady	Vick
Martin	Winfield
Mauritz	York

Absent

Weinert

Absent—Excused

Graves	Metcalf
Hill	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Martin
Beck	Mauritz
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent

Weinert

Absent—Excused

Graves	Metcalf
Hill	Spears

#### Conference Committee on House Bill 831

Senator Martin called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 831.

Senator Martin moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Martin, Moffett, Stone, Vick and Lovelady.

#### Senate Bill 268 on Passage to Engrossment

The Senate resumed consideration of pending business, same being S. B. No. 268, relating to construction of a State office building on its passage to engrossment; with motion by Senator Van Zandt to reconsider the vote by which the amendment by Senator Metcalfe to the amendment by Senator Brownlee was adopted pending.

The motion to reconsider prevailed by the following vote:

Yeas—13

Beck	Shivers
Brownlee	Smith
Chadick	Stone
Fain	Van Zandt
Kelley	Vick
Lanning	Winfield
Moore	

Nays—10

Aikin	Martin
Cotten	Mauritz
Formby	Moffett
Isbell	Ramsey
Lovelady	Sulak

Absent

Hazlewood	York
Weinert	

Absent—Excused

Graves	Spears
Hill	

Paired

Senator Lemens (present), who would vote "yea" with Senator Metcalfe (absent), who would vote "nay."

Question then recurring on the amendment to the amendment, yeas and nays were demanded.

The amendment to the amendment was lost by the following vote:

Yeas—9

Aikin	Martin
Chadick	Mauritz
Cotten	Moffett
Isbell	Ramsey
Lovelady	

Nays—15

Beck	Shivers
Brownlee	Smith
Fain	Stone
Formby	Sulak
Hazlewood	Van Zandt
Kelley	Winfield
Lanning	York
Moore	

Present—Not Voting

Vick

Absent

Weinert

Absent—Excused

Graves

Spears

Hill

Paired

Senator Lemens (present), who would vote "nay" with Senator Metcalfe (absent), who would vote "yea."

Question—Shall the amendment by Senator Brownlee (as amended) be adopted?

Senator Lovelady raised a point of order against further consideration of the amendment (as amended) on the ground that it is not germane to the original purposes of the bill.

The President overruled the point of order.

Senator Aikin moved to postpone further consideration of the bill to January 25, 1943.

Yeas and nays were demanded on the motion to postpone.

The motion was lost by the following vote:

Yeas—9

Aikin

Martin

Beck

Mauritz

Chadick

Moffett

Cotten

Vick

Lovelady

Nays—17

Brownlee

Shivers

Fain

Smith

Formby

Stone

Hazlewood

Sulak

Isbell

Van Zandt

Kelley

Weinert

Lanning

Winfield

Moore

York

Ramsey

Absent—Excused

Graves

Spears

Hill

Paired

Senator Lemens (present), who would vote "nay" with Senator Metcalfe (absent), who would vote "yea."

Senator Lanning offered the following amendment to the amendment:

Amend substitute to S. B. No. 268 by striking out "one street or" in

Section 2 and insert in lieu thereof "an."

The amendment to the amendment was adopted.

The amendment as amended was adopted.

On motion of Senator Brownlee and by unanimous consent, the caption was ordered amended to conform to the body of the bill as amended.

The bill (as amended) then was passed to engrossment by the following vote:

Yeas—16

Brownlee

Ramsey

Fain

Shivers

Formby

Smith

Hazlewood

Stone

Isbell

Sulak

Kelley

Van Zandt

Lanning

Winfield

Moore

York

Nays—9

Aikin

Martin

Beck

Mauritz

Chadick

Moffett

Cotten

Vick

Lovelady

Absent

Weinert

Absent—Excused

Graves

Spears

Hill

Paired

Senator Lemens (present), who would vote "yea" with Senator Metcalfe (absent), who would vote "nay."

Motion to Place Senate Bill 268 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 268 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—19

Brownlee

Lanning

Chadick

Lemens

Fain

Moore

Formby

Ramsey

Hazlewood

Shivers

Isbell

Smith

Kelley

Stone

Sulak	Winfield
Van Zandt	York
Weinert	

Nays—8

Aikin	Martin
Beck	Mauritz
Cotten	Moffett
Lovelady	Vick

Absent—Excused

Graves	Metcalf
Hill	Spears

**Bills and Resolutions Signed**

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 370, A bill to be entitled "An Act authorizing the sale of all United States Treasury Bonds held for the account of the Permanent School Fund at September 1, 1940; and declaring an emergency."

H. B. No. 417, A bill to be entitled "An Act amending Article 190a, Revised Civil Statutes, by adding Childress County to the list of counties named herein; and declaring an emergency."

H. B. No. 425, A bill to be entitled "An Act to amend Article 5949, Revised Civil Statutes of 1925, as amended by Acts of the Forty-sixth Legislature, page 498, Regular Session, 1939, so as to provide for appointment of notaries public by the Secretary of State of the State of Texas; prescribing their qualifications and terms of office; providing that this Act shall not affect the terms of those persons who have qualified as notaries public prior to the effective date hereof; and declaring an emergency."

H. B. No. 501, A bill to be entitled "An Act making it unlawful to take or kill wild deer in the Counties of Tom Green, Irion, Sterling, Reagan, and Glasscock for a period of five (5) years; prescribing penalty for the violation of this Act; and declaring an emergency."

H. B. No. 502, A bill to be entitled "An Act to amend S. B. No. 175, being Chapter 15 of the Acts of the Forty-sixth Legislature, approved March 25, 1939, authorizing independent school districts and cities which have assumed the control of public schools situated therein to build

or purchase buildings and grounds located within or without the district or city, for the purpose of constructing gymnasia, stadia, and other recreational facilities, and to authorize the purchase of additional buildings and grounds for such purposes, and to mortgage and encumber the same, and the income thereof, and to evidence the obligation therefor by the issuance of bonds to secure the payment of funds to purchase or construct or to purchase and construct the same; providing that the purchaser shall have a franchise to operate the same in case of foreclosure; providing that no such obligation shall ever be a debt of any such school district or city; but solely a charge upon the property so encumbered; providing that no election for the issuance of such bonds shall be necessary; providing that such project shall be deemed self-liquidating in character; providing that such bonds may be authorized by a majority vote of the boards of trustees of such school districts or the governing bodies of any such cities; providing that the cost of maintaining and operating the project shall be a first charge against the revenues of the project; providing that such bonds shall be payable from the net revenues of the project, together with all future extensions or additions thereto, or replacements thereof providing for the payment of said bonds; providing that the holder of said bonds shall never have the right to demand payment thereof out of any funds raised or to be raised by taxation; providing that said bonds shall be approved by the Attorney General and registered by the State Comptroller; providing that no bonds authorized shall be issued or executed after the expiration of two (2) years from the effective date of this Act; etc.; and declaring an emergency."

H. B. No. 511, A bill to be entitled "An Act amending Article 8306, Section 7, of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the Forty-sixth Legislature of Texas, 1939, page 712, so as to provide for the furnishing of artificial appliances to injured claimants; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 543, A bill to be entitled "An Act authorizing the State Forester to designate certain of his employees as peace officers; and declaring an emergency."

H. B. No. 544, A bill to be entitled "An Act authorizing employees of the Texas Forest Service and such additional outside help or assistance they might call on to enter on any privately owned lands for the purpose of investigating and controlling forest and grass fires that appear to be or are burning uncontrolled; and declaring an emergency."

H. B. No. 663, A bill to be entitled "An Act to amend an Act for the promotion, protection, and development of the commercial potato growing industry of Texas, same being S. B. No. 158 of the Acts of the Second Called Session of the Forty-first Legislature, and being Article 117A of Title 4, Chapter 6, Vernon's Annotated Statutes of Texas, 1925, by amending Section 3 of said Act to make the provisions thereof applicable to 'commercial quantities' of potatoes and defining the term 'commercial quantities' as used therein; and declaring an emergency."

H. B. No. 689, A bill to be entitled "An Act amending H. B. No. 920, of the General and Special Laws of the Forty-third Regular Session of the Legislature, making it lawful to take fur bearing animals by trap in San Augustine and Sabine Counties."

H. B. No. 788, A bill to be entitled "An Act applicable to the County of Coke, State of Texas, prohibiting the transportation of minnows taken in said county beyond the borders of said county for the purpose of sale; limiting the number of minnows to be transported beyond the borders of said county; prohibiting the use of trot-lines or throw lines containing more than twenty-five (25) hooks; limiting the use of such lines to a maximum of two such lines to any person or group of persons; providing for a closed season on fishing in said county, with certain exceptions; providing legal length of catfish in said county; providing the daily bag limit of catfish; providing penalties for any violation of this Act; and declaring an emergency."

H. B. No. 862, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas for current expenses, for support of public free schools and for interest and sinking funds to pay bonded obligations heretofore authorized by the electorate, which levies are void and unenforceable because the

governing bodies of such cities and towns failed to make such levies by formal ordinance or made the levies prior to final approval of the annual budget, or because the levies were made and adopted without the tax rolls being actually before such governing bodies, and making all such levies enforceable under this Act as though adopted originally by ordinance in strict compliance with all requirements of law; provided this Act shall not apply to levies the validity of which has been attacked by litigation pending in court on effective date of this Act; and declaring an emergency."

H. B. No. 887, A bill to be entitled "An Act amending Sections 2, 5 and 10 of Chapter 506, Acts 1937, Forty-fifth Legislature, page 1494-a, as amended by H. B. No. 565, Section 1, Acts 1939, Forty-sixth Legislature; and declaring an emergency."

H. B. No. 891, A bill to be entitled "An Act to validate, ratify, approve and confirm the Acts of all housing authorities created by and organized pursuant to the 'Housing Authorities Law' of the State of Texas, and which are located in any county in Texas having a population of not less than ninety thousand (90,000), and not more than one hundred thousand (100,000) according to the last preceding Federal Census, in undertaking the development and administration of housing projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities, who would not otherwise be able to secure such dwellings within the vicinity thereof; and to validate, ratify, approve, conform and declare enforceable all bonds, notes and obligations of such housing authorities issued for projects heretofore undertaken to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities; and declaring an emergency."

H. B. No. 918, A bill to be entitled "An Act applicable to all counties in this State having a population of not less than fifty thousand, nine hundred and fifty (50,950) nor more than fifty-one thousand, one hundred (51,100) in all counties having a population of not less than thirty-four thousand (34,000) nor more than thirty-five thousand (35,000) etc.; and declaring an emergency."

H. B. No. 963, A bill to be entitled "An Act appropriating out of the

State General Revenue Fund the sum of One Thousand (\$1,000.00) Dollars to the Eddins Common School District, No. 62, Shelby County, Texas, to be used by said school district in rebuilding a public school house within the district."

H. B. No. 995, A bill to be entitled "An Act to declare a closed season on the killing of wild deer and wild turkey in Throckmorton, Shackelford and Haskell Counties for a period ending February 1, 1946; prescribing a penalty therefor; repealing H. B. No. 198 of the Forty-seventh Legislature; and declaring an emergency."

H. B. No. 996, A bill to be entitled "An Act amending Section 6 of H. B. No. 308, Chapter 245, page 856 of the Acts of the Regular Session of the Forty-third Legislature, as amended by H. B. No. 373, Chapter 264, page 651, Acts of the Regular Session of the Forty-fourth Legislature, as amended by H. B. No. 893, Chapter 257 of the Acts of the Regular Session of the Forty-fifth Legislature, as amended by H. B. No. 626, Chapter 7, page 414 of the Acts of the Regular Session of the Forty-sixth Legislature; repealing all laws or parts of laws with reference to examination of organizations operating under H. B. No. 303, Acts of the Forty-third Legislature in conflict; and declaring an emergency."

H. B. No. 931, A bill to be entitled "An Act declaring it unlawful for any person to kill, take, or have in his possession for purpose of sale in Angelina and Taylor Counties any wild fox or the pelts thereof, providing that this law shall be enforced for a period of two (2) years; providing various exemptions and exceptions; prescribing a penalty for the violation of this Act; repealing all laws in conflict; and declaring an emergency."

H. B. No. 1019, A bill to be entitled "An Act validating consolidation of certain common school districts, independent school districts and consolidated independent school districts and county line school districts wherein a majority of the voters of each of the affected districts approve such a consolidation at an election held for such purpose; providing, however, such validation shall not apply to districts now in litigation; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 1034, A bill to be entitled "An Act authorizing the Commissioners' Courts of Yoakum County to improve and maintain public roads and highways heretofore laid out or constructed, and to construct public roads and highways hereafter laid out by the county, whether such public roads or highways are inside or outside of any incorporated city or town in such county; authorizing the issuance of time warrants for such purposes; declaring that this Act shall be cumulative of all laws when not in conflict therewith, but in case of conflict this Act shall control; providing a saving clause; and declaring an emergency."

H. B. No. 1042, A bill to be entitled "An Act relinquishing to the City of Port Arthur, Texas, all right to title and interest of the State of Texas in and to certain land described in H. B. No. 819, Forty-second Legislature, approved May 18th, 1931, amending Section 2 of H. B. No. 819; and declaring an emergency."

H. B. No. 1045, A bill to be entitled "An Act providing that it shall be unlawful to buy or sell any fish caught in Possum Kingdom Lake, located in Stephens, Palo Pinto and Young Counties or in any of the back waters; any person found guilty of this Act shall be fined not less than Five (\$5.00) Dollars nor more than One Hundred (\$100.00) Dollars; and declaring an emergency."

H. B. No. 1050, A bill to be entitled "An Act to amend Section 1 of H. B. No. 738 of the Thirty-fifth Legislature, Chapter 76, Acts 1917, Special Laws, page 295, so as to change the name of the 'Remlig County Line Independent School District' to 'Brookeland and Independent School District'; and declaring an emergency."

H. B. No. 1053, A bill to be entitled "An Act amending Section 5 of H. B. No. 194, Acts of the Forty-first Legislature, 1929, Chapter 292, by reducing the interest rate of bonds in which taxes remitted to the City of Port Arthur may be invested; and declaring an emergency."

H. B. No. 1054, A bill to be entitled "An Act amending Section 19 (f) of Article 3912e, also known as Section 19 (f) of Acts of the Second Called Session of the Forty-fourth Legislature, Chapter 465, page 1762, by adding thereto a new Section, to be known as Section 19 (f-1) of Article 3912e, to make adequate pro-

vision for the employment and compensation of assistants and employees by the District Attorney or Criminal District Attorney in any county having a population of not less than three hundred twenty-five thousand (325,000) nor more than five hundred thousand (500,000) inhabitants, according to the last preceding or any future Federal census; etc.; and declaring an emergency."

H. B. No. 1057, A bill to be entitled "An Act providing an open season for quail in Cherokee County from December 1 in one year to January 16 in the following year, both days inclusive; etc.; and declaring an emergency."

H. B. No. 1064, A bill to be entitled "An Act to amend Section 2 of Chapter 11 of Subdivision III, Water Improvement Districts, Acts of the Forty-sixth Legislature, Regular Session, H. B. No. 594, approved April 18, 1939, and effective the same date, so as to provide for dividing water improvement districts organized or operated under Chapter 2 of Title 128, Revised Civil Statutes of Texas of 1925, when such districts are operated under contract with the Department of the Interior of the Government of the United States, into divisions for the election of directors thereof; validating and confirming all orders heretofore made by the Board of Directors, etc."

H. B. No. 1069, A bill to be entitled "An Act prescribing the time of meeting of the county board of school trustees in counties containing a population of not less than forty-eight thousand and eight hundred (48,800) and not more than fifty thousand and four hundred (50,400) inhabitants according to the last preceding Federal census, the meeting place of said board, the compensation to be paid each county school trustee, and the fund out of which said compensation shall be paid; providing that this Act shall be cumulative of all existing laws on this subject when not in conflict and when in conflict the provisions of this Act shall control; repealing all laws in conflict; and declaring an emergency."

H. B. No. 1076, A bill to be entitled "An Act authorizing the qualified voters of Hooks Independent School District situated wholly within Bowie

County, a district containing not less than fifty-nine (59) square miles in area, and having an assessed property valuation of not less than Three Hundred and Seventy Thousand (\$370,000.00) Dollars to determine whether or not any such district shall levy a tax for maintenance and bond purposes, the maximum of which for both of such purposes shall not exceed One Dollar and Fifty Cents (\$1.50) on the One Hundred (\$100.00) Dollars valuation in any one year; provided that not more than One (\$1.00) Dollar of said tax shall be voted for bond purposes and not more than fifty (50c) cents shall be voted for maintenance purposes; providing that said tax shall be applicable to independent school district taxes; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

H. B. No. 1080, A bill to be entitled "An Act providing that all counties within this State, having a population of not less than eighty thousand (80,000) inhabitants nor more than two hundred twenty-five thousand (225,000) inhabitants, according to the last preceding Federal census, and in which there is located no Court of Civil Appeals, may, upon an order being made by their commissioners' courts for this purpose, provide for and maintain a county law library; providing for the funds for said library; granting to said courts all necessary power and authority to make this Act effective; providing that said Act shall be cumulative; and declaring an emergency."

H. C. R. No. 96, Authorizing the State Highway Department of Texas to lend to the City of Mineral Wells sufficient quantities of discarded wire to protect the fish life of Lake Mineral Wells.

H. C. R. No. 117, Granting William Trakas permission to bring suit against the State of Texas.

H. C. R. No. 130, Granting permission to J. Clyde Cummings to bring suit against the State of Texas and against the Department of Public Safety, Division of Highway Patrol.

H. C. R. No. 133, Granting W. L. Priddy permission to bring suit against the State of Texas.

H. C. R. No. 222, Permitting State Treasurer to pay certain warrants.

H. C. R. No. 224, Authorizing the State Highway Department to loan guard wire to Washington County.

H. C. R. No. 249, Recalling H. B. No. 161 from the Governor's office at once for further consideration and correction.

### Report of Standing Committee

Senator Winfield, by unanimous consent, submitted at this time the following report:

Floor Committee,  
Austin, Texas,  
June 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

H. B. No. 626, A bill to be entitled "An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements, obligations, and undertakings of such housing authorities, and all proceedings, acts, and things heretofore undertaken, performed or done with reference thereto; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

WINFIELD, Chairman.

### Motion to Take up House Bill 44

Senator Moore moved that the regular order of business be suspended to permit consideration of H. B. No. 44 at this time.

Senator Shivers moved the previous question on the motion to suspend, and the motion for the previous question was duly seconded.

The Senate refused to order the main question at this time by the following vote:

Yeas—10

Brownlee	Moore
Fain	Shivers
Formby	Smith
Hazlewood	Stone
Kelley	Weinert

Nays—15

Aikin	Lovelady
Beck	Martin
Chadick	Mauritz
Cotten	Moffett
Lanning	Ramsey
Lemens	Van Zandt

Vick	York
Winfield	

Absent

Isbell	Sulak
--------	-------

Absent—Excused

Graves	Metcalfe
Hill	Spears

Question recurred on the motion to suspend.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—16

Brownlee	Mauritz
Chadick	Moffett
Fain	Moore
Formby	Shivers
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Weinert
Martin	Winfield

Nays—10

Aikin	Lovelady
Beck	Ramsey
Cotten	Smith
Lanning	Vick
Lemens	York

Absent

Sulak

Absent—Excused

Graves	Metcalfe
Hill	Spears

### Senate Concurrent Resolution 81

Senator Lovelady offered the following resolution:

Be it resolved by the Senate of Texas, the House of Representatives concurring, That the Regular Session of the Forty-seventh Legislature stand adjourned sine die at 12:00 o'clock noon, June 21, 1941.

LOVELADY,  
STONE,  
WINFIELD,  
MARTIN,  
MOORE,  
AIKIN,  
MOFFETT,  
SHIVERS,  
BECK,  
RAMSEY,  
SMITH,  
WEINERT.

The resolution was read.

Senator Weinert moved the previous question on the resolution, and the motion was duly seconded.

The Senate refused to order the main question at this time by the following vote:

Yeas—11

Beck	Ramsey
Brownlee	Shivers
Chadick	Smith
Lovelady	Stone
Martin	Weinert
Moore	

Nays—15

Aikin	Lemens
Cotten	Mauritz
Fain	Moffett
Formby	Sulak
Hazlewood	Vick
Isbell	Winfield
Kelley	York
Lanning	

Absent

Van Zandt

Absent—Excused

Graves	Metcalf
Hill	Spears

Senator Kelley offered the following substitute for the resolution:

Be it resolved by the Senate, the House concurring, That on June 20, 1941, the Legislature do recess during the period from that date until July 15, 1941, at 10:00 a. m., when it shall again convene at the State Capitol; and be it further

Resolved, That during said period of recess the Members of the Legislature shall draw no per diem for their services and that all employees of both branches of the Legislature be discharged from service and that the elective officers of the House and Senate be allowed no salary during such recess except such officers and employees as the President of the Senate and the Speaker of the House, found necessary to retain; and be it further

Resolved, That the Regular Session of the Forty-seventh Legislature stand adjourned sine die on July 18, 1941, at 12 o'clock noon.

Question first recurring on the substitute, yeas and nays were demanded.

The substitute was lost by the following vote:

Yeas—11

Cotten	Formby
Fain	Hazlewood

Kelley	Van Zandt
Lanning	Vick
Lemens	York
Sulak	

Nays—15

Aikin	Moore
Beck	Ramsey
Brownlee	Shivers
Chadick	Smith
Isbell	Stone
Lovelady	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Hill	Spears
Metcalf	

Paired

Senator Mauritz (present), who would vote "yea" with Senator Graves (absent) who would vote "nay."

Question next recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—20

Aikin	Moffett
Beck	Moore
Brownlee	Ramsey
Chadick	Shivers
Fain	Smith
Formby	Stone
Isbell	Van Zandt
Lemens	Weinert
Lovelady	Winfield
Martin	York

Nays—6

Cotten	Lanning
Hazlewood	Sulak
Kelley	Vick

Absent—Excused

Hill	Spears
Metcalf	

Paired

Senator Mauritz (present), who would vote "nay" with Senator Graves (absent), who would vote "yea."

#### Motion to Take up House Bill 611

Senator Vick moved that the regular order of business be suspended to permit consideration of H. B. No. 611 at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—17

Aikin	Cotten
Beck	Fain



Formby	Smith
Hazlewood	Stone
Martin	Vick
Mauritz	Weinert
Moffett	Winfield
Moore	York
Shivers	

Nays—9

Brownlee	Lemens
Chadick	Lovelady
Isbell	Ramsey
Kelley	Sulak
Lanning	

Absent

Van Zandt

Absent—Excused

Graves-	Metcalf
Hill	Spears

## House Bill 268 on Second Reading

Senator Lanning moved that the regular order of business be suspended to permit consideration of H. B. No. 268 at this time.

The motion prevailed by the following vote:

Yeas—18

Brownlee	Ramsey
Chadick	Shivers
Fain	Smith
Hazlewood	Stone
Kelley	Sulak
Lanning	Vick
Lemens	Weinert
Martin	Winfield
Moore	York

Nays—8

Aikin	Isbell
Beck	Lovelady
Cotten	Mauritz
Formby	Moffett

Absent

Van Zandt

Absent—Excused

Graves	Metcalf
Hill	Spears

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 268, A bill to be entitled "An Act to provide for the establish-

ment of a State Cancer Hospital for the treatment and cancer and allied diseases and shall be known as the Clyde F. Lingo Memorial Hospital for Cancer; and providing herein the Governor of the State of Texas shall appoint a Cancer Commission of three (3) citizens of the State and their appointments shall be four (4) years; and providing herein for the appointment of an administrator and a staff to conduct said Cancer Hospital; and their appointments shall be for four (4) years; and providing herein for the appointment of an advisory board of nine (9) citizens consisting of one attorney, one civil engineer, one ordained minister, one business manager and five (5) physicians; the Cancer Commission will have power to make rules for conducting the hospital not contrary to the laws of the State of Texas; providing herein for the method of treatment of patients in said hospital and fixing the duties of the county courts with respect to the admission and payment for said patients, including examination by the Counties of the State and for payment of the burial of patient and fixing the compensation of officers, physicians, surgeons, nurses and other employees, and providing herein expenses for persons who accompany patient to and from their place of residence and providing for form of research of patients and for persons trained in the work of following up cases of cancer and precancer; providing for the employment by the Administrator of said Cancer Hospital any nurse attendant necessary for the conducting thereof, and providing herein for a committee to be appointed by the Governor, and providing herein for the establishment of a laundry building and equipment for the Hospital, appropriated out of the State Treasury, charged to the General Revenue Fund as the General Assembly shall deem necessary to maintain the State Cancer Hospital."

The bill was read second time.

Question—Shall the bill be passed to third reading?

Recess

On motion of Senator Aikin, the Senate, at 6:00 o'clock p. m., took recess until 10:00 o'clock a. m. tomorrow.

## APPENDIX

## Communication from Senator Graves

Austin, Texas,  
June 17, 1941.

Hon. Coke R. Stevenson, Lieutenant Governor, Presiding Officer of the Senate.

Dear Governor: I was unavoidably absent from the session of the Senate on June 16, and I am asking that this note be inserted in the Journal.

Had I been present I would have voted for the final passage of H. B. No. 796.

I was also similarly detained on June 17, and had I been present, I would have voted for the adoption of the Conference Committee report on H. B. No. 199.

Sincerely yours,  
W. C. GRAVES,  
Senator of the  
Eleventh District.

## SEVENTY-NINTH DAY

## Continued

(Thursday, June 19, 1941)

The Senate met at 10:00 o'clock a. m. and was called to order by the President.

## Message from the Governor

The President laid before the Senate and had read the following message from the Governor:

Austin, Texas,  
June 18, 1941.

To the Senate of the Forty-seventh Legislature.

Complying with the request contained in S. C. R. No. 80, by Mauritz, I am today returning to the Senate for correction, Senate Bill No. 429 by Mauritz.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

## Message from the House

A Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
June 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

has adopted the Conference Committee report on H. B. No. 29 by a vote of 105 ayes, 11 noes.

The House has adopted the Conference Committee report on H. B. No. 284 by a vote of 122 ayes, 2 noes.

The House refused to concur in Senate amendments to H. B. No. 1084 and has requested the appointment of a Conference Committee to consider the differences between the two Houses and appoints: Lock, Burnaman, Hargis, Coker and Kinard.

The House has concurred in Senate amendments to H. B. No. 845 by a viva voce vote.

Respectfully submitted,  
E. R. LINDLEY,  
Chief Clerk, House of Representatives.

## House Bill 268 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B. No. 268, relating to establishment of a State hospital for cancer treatment and research, on its passage to third reading.

Senator Sulak offered the following amendment to the bill:

Amend H. B. No. 268 by striking out all of Section 11 and inserting in lieu thereof the following:

"Section 11. There is hereby appropriated from the General Revenue Fund of the State of Texas, from funds not otherwise appropriated, the sum of One Hundred Thousand (\$100,000.00) Dollars for the location, erection, and equipping of the Texas State Cancer Hospital; together with the further sum of One Hundred Thousand (\$100,000.00) Dollars for the location, erection and equipping of the Division of Cancer Research; and together with the sum of Fifty Thousand (\$50,000.00) Dollars for the biennium commencing September 1, 1941, for the operation and maintenance of said institutions."

Question—Shall the amendment be adopted?

## House Bill 414 on Second Reading

On motion of Senator Weinert, and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 414 at this time.